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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,591	05/11/2005	Sverre Holm	P18474USPC	6864

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EXAMINER

PIHULIC, DANIEL T

ART UNIT	PAPER NUMBER
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3662

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/534,591

Applicant(s)

HOLM ET AL.

Examiner

Daniel T. Pihulic

Art Unit

3662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 11 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 20050707.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

Art Unit: 3662

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

2. Claims 7-20 objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

3. The abstract is objected to because of the following informalities: in line 4, the term "recieved" appears to be misspelled.

Appropriate correction is required.

4. Claims 3/1, 4/1, 5 and 6/1 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3/1 recites the limitation "the control unit (160)" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 4/1 recites the limitation "the control unit (160)" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the control unit (160)" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 6/1 recites the limitation "the control unit (160)" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

Art Unit: 3662

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 2, 4 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by US6141293. The US6141293 reference discloses the utilization of an identification tag (Fig. 1, 26) for use in a system (Fig. 1, 26, 40 and 50) for determining the position of the identification tag (Abstract, l. 1-5), which may be in motion in a room in a building or other areas to be monitored (col. 11, l. 46-50), the identification tag comprising an ultrasonic transducer (64) connected to a transmitter adapted to transmit ultrasonic signals (col. 14, l. 29-32), together with a radio transmitter (66) and radio receiver (60) connected to an antenna (61) for transmitting and receiving radio signals containing the identity of the identification tag (col. 14, l. 43-46 and col. 12, l. 45-47) as recited in claim 1.

With regards to claim 2, the US6141293 reference discloses the utilization of an identification tag comprises a control unit (62) adapted to control the transmission of ultrasonic signals and radio signals (col. 14, l. 26-31 and 40-43).

With regards to claim 4, the US6141293 reference discloses the utilization of a radio receiver (60) being connected to the control unit (62) and arranged to receive radio messages from master units (50) (col. 12, l. 38-42 and col. 14, l. 25-31).

With regards to claim 5, the US6141293 reference discloses the utilization of a radio transmitter (66) that is connected to the control unit (62) and adapted to transmit radio messages to master units (50) (col. 14, l. 43-46).

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 3 is rejected under 35 U.S.C. 103 as being unpatentable over US6141293 in as applied to claim 1 above, and in combination with US20060066444. The claim additionally recites the radio receiver is arranged to receive radio messages from other identification tags. The US20060066444 reference teaches that it was well known in the art to utilize a radio receiver (Fig. 1) is arranged to receive radio messages (22) from other identification tags (20). It would have been obvious to modify the US6141293 references to receive radio messages from other identification tags as motivated by the US20060066444 reference to enable the US6141293 system to network the tags.

9. Claim 6 is rejected under 35 U.S.C. 103 as being unpatentable over US6141293 in as applied to claim 1 above and in combination with US5959568. The claim additionally recites the utilization of a sabotage unit for detecting any attempt to remove and/or open the identification tag, and where, after such detection, is adapted to transmit such additional information. The US5959568 reference teaches that it was well known in the art to utilize a sabotage unit (16₁) for detecting any attempt to remove and/or open the identification tag, and where, after such detection, is adapted to transmit such additional information (col. 18, l. 28-33). It would have been obvious to modify the US6141293 references to utilize a sabotage unit as motivated by the US5959568 reference to enable the US6141293 system to detect tampering or damage.

Art Unit: 3662

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Pihulic whose telephone number is 571-272-6977. The examiner can normally be reached on Monday and Wednesday through Friday from 5:30 a.m. to 4 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza, can be reached on 571-272-6979.

The fax phone numbers for the organization where this application or proceeding is assigned are:

571-273-8300 for official responses, and

571-273-6977 for unofficial communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 800-786-9199.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Daniel T. Pihulic
Primary Examiner
T.C. Art Unit 3662